

U.S. Patent Application Serial No. 09/941,984  
Amendment dated August 18, 2003  
Reply to Office Action of April 23, 2003

### **REMARKS**

Claims 1, 2, 4, 10-13, 19, 22, 23, 35-38, 40, 44, 49-53, 55-71 are pending in this application of which claims 10-13, 22, 23, 35-38 40, 44, 49-55 and 56 are withdrawn from consideration. Claims 1, 2, 4, 19 have been amended and new claims 58-71 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated April 23, 2003.

### **Objections to the Specification**

The Examiner is objecting to the specification due to an informality. Taking the Examiner's comments into consideration the specification has been amended. Therefore, withdrawal of the objection to the specification is respectfully requested.

### **Claim Rejections under 35 USC §112**

Claims 2 and 4 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Taking the Examiner's comments into consideration Claims 2 and 4 have been amended. Therefore, withdrawal of the rejection of Claims 2 and 4 under 35 USC §112, second paragraph, is respectfully requested.

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**Claim Rejections under 35 USC §102**

Claims 1, 2 and 4 are rejected under 35 USC §102(b) as being anticipated by Japanese Patent 4-16812.

Japanese Patent 4-16812 describes an endoscope having a light projecting means (3), two optical systems (13 a, 13 b) and a single image transmitting optical system (14).

It is noted in JP 4 - 16812 reference that since the width of the optical path is increased by prisms 15a, 15b, 16a and 16b, the image guide 14 (which corresponds to the image transmitting optical system in the present invention) is fine in comparing with the objective optical system 13a and 13b. (Fig. 1) In contrast to this, it is noted in the claims of the present application that the image transmitting optical system is of a size not smaller than the objective optical system, thus differentiated from the reference.

Therefore, claim 1 patentably distinguishes over the prior art relied upon by reciting,

“An endoscope comprising: an elongated inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of said inserted section; an objective optical system arranged on the distal end side of said inserted section, having at least two optical systems receiving the light from an object illuminated by said illuminating light and forming at least two images not equal to each other; and one image transmitting optical system having single optical axis and being formed to be of a size equal to or larger than a size of said objective optical system, and arranged within said inserted section and transmitting said two images in common.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1, 2 and 4 under 35 USC §102(b) as being anticipated by Japanese Patent 4-16812 is respectfully requested.

Claims 1, 2 and 4 are rejected under 35 USC §102(e) as being anticipated by Akui et al. (U.S. Patent No. 5,577,991).

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The endoscope disclosed by Akui reference is one in which the relay lens system 65 is thin in comparison with the objective optical system 64. On this point, the claims 1, 2 and 4 of the present application are differentiated from Akui reference.

Therefore, claim 1 patentably distinguishes over the prior art relied upon by reciting,

“An endoscope comprising: an elongated inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of said inserted section; an objective optical system arranged on the distal end side of said inserted section, having at least two optical systems receiving the light from an object illuminated by said illuminating light and forming at least two images not equal to each other; and one image transmitting optical system having single optical axis and being formed to be of a size equal to or larger than a size of said objective optical system, and arranged within said inserted section and transmitting said two images in common.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1, 2 and 4 under 35 USC §102(e) as being anticipated by Akui et al. (U.S. Patent No. 5,577,991) is respectfully requested.

Claim 19 is rejected under 35 USC §102(e) as being anticipated by Takahashi et al. (U.S. Patent No. 5,720,706).

Takahashi et al. describes that images are taken in time division by CCD 25 by rotating the shutter 23 having an opening 23a (Figs. 3 - 6). In contrast to this, it is noted in claim 19 of the present application that images are taken simultaneously, thus differentiating from the reference.

Therefore, claim 19 patentably distinguishes over the prior art relied upon by reciting,

“A stereoendoscope comprising: an elongate inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of said inserted section; an objective optical system arranged on the distal end side of said inserted section and forming n images (wherein n is an integer equal to or above 3) having a parallax between each other for the object

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illuminated by said illuminating light; one transmitting optical system transmitting the n images; at least one image taking means taking the respective images simultaneously; and a displaying means selectively displaying any two images of the taken plural images.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claim 19 under 35 USC §102(e) as being anticipated by Takahashi et al. (U.S. Patent No. 5,720,706) is respectfully requested.

### **New Claims**

New claims 58-71 are added to this application. New claims 58-71 find support in the specification and the figures. Allowance of new claims 58-71 is respectfully requested.

It is noted in Takahashi that the images by the objective optical system 5 are superimposed (fig. 3). In contrast to this, it is noted in claim 71 of the present application that the images are not superimposed (said n images are not superimposed on each other. Hence claim 71 of the present application is differentiated from Takahashi reference.

It should be noted that claim 71 is a modification of claim 19. Therefore, claim 71 should be considered with claims 1, 2, 4 and 19.

### **Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1, 2, 4, 19 and 57-71, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Amendment Transmittal  
Petition for Extension of Time

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